

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEANNA JOHNSON,

Plaintiff,

v

No. 19-cv-10167

FORD MOTOR COMPANY,

Defendant.

/

MOTION

(Virtual Hearing Via Zoom)

BEFORE THE HONORABLE GERSHWIN A. DRAIN

UNITED STATES DISTRICT JUDGE

Tuesday, March 22, 2022

APPEARANCES:

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For the Defendant:

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Reported by:

Merilyn J. Jones, RPR, CSR
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1 Detroit, Michigan

2 Tuesday, March 22, 2022 - 11:03 a.m.

3 THE LAW CLERK: The United States District Court for
4 the Eastern District of Michigan is now in session. The
5 Honorable Gershwin A. Drain presiding.

6 Calling Civil Action, DeAnna Johnson versus Ford Motor
7 Company. Case Number 19-cv-10167.

8 Counsel, please place your appearances on the record.

9 MS. LAUGHBAUM: Good morning. Carol Laughbaum on
10 behalf of the plaintiff.

11 THE COURT: Good morning.

12 MS. HARDY: Elizabeth Hardy on behalf of Ford Motor
13 Company.

14 MR. THOMAS: And Tom Davis on behalf of Ford Motor
15 Company.

16 THE COURT: All right. Good morning to you also.

17 MS. HARDY: Good morning.

18 THE COURT: All right. So, I'm not sure who
19 requested this status conference.

20 MS. HARDY: Initially defendants did, your Honor.

21 THE COURT: Okay.

22 And so where are we with regard to this case?

23 MS. HARDY: When we last had a conference with your
24 Honor we were in between facilitations. We facilitated with Ms.
25 Megan Norris, and that had been unsuccessful. We had an

1 upcoming facilitation with Magistrate Judge Stafford. Since
2 that time we have completed our facilitation with Magistrate
3 Stafford. That was unsuccessful.

4 When we last spoke, we asked the Court about the
5 scheduling order and you indicated that it would change, but you
6 wanted us to go through facilitation first to see the outcome of
7 facilitation.

8 So, we're back to talk about the scheduling
9 conference. We are also waiting for a ruling from the Court on
10 the pending motion for summary judgment.

11 THE COURT: Okay.

12 I thought it was -- I thought there was some reference
13 to that not being done. Is that what you -- so you all are
14 ready to proceed with the motion; is that right?

15 MS. HARDY: Yes, we are. It's fully briefed, and when
16 we last spoke with your Honor, you indicated that you would
17 decide whether or not argument was needed.

18 THE COURT: Okay.

19 MS. HARDY: You thought likely not, but that -- we all
20 confirmed that the briefing was complete.

21 THE COURT: Okay.

22 MS. LAUGHBAUM: And just to refresh your memory, your
23 Honor, this is Ford's second summary judgment motion. This is
24 their renewed motion after it came back from the Sixth Circuit.

25 THE COURT: Okay.

1 All right. So, I'm going to -- I don't think I
2 actually looked at that because I thought that there was hope
3 for resolving the case.

4 So, we can schedule that. And if I decide I don't
5 want to -- I don't need to hear any argument, then I'll just
6 decide it on the briefs.

7 So, do you all want to take another shot at trying to
8 resolve the case or do you just want me to issue a scheduling
9 order?

10 MS. LAUGHBAUM: I think, your Honor, we just need a
11 scheduling order. We seem to be at an impasse. Obviously, both
12 sides view the case very differently, and, you know, we've been
13 through two mediations that haven't been particularly
14 productive.

15 So, I think we just need some new dates to work with.

16 THE COURT: Okay. All right.

17 And, I guess, in all candor I didn't realize that what
18 you needed was a scheduling order.

19 So, what I'll do is I will look at my calendar and
20 figure out when I can schedule your case for trial.

21 This is one of the older cases, partly because it went
22 up to the Sixth Circuit and came back.

23 So you're one of my older civil cases on my docket,
24 and I think I'm going to have a trial date that I can set and
25 have a jury trial in April, but I've also got another date that

1 may be realistic for you all at the end of May.

2 And so, you'll need to be ready to try the case in
3 May.

4 Now, I can't say that there won't be somebody ahead of
5 you, but at least I'm scheduling -- I'm going to go ahead and
6 schedule the case for May.

7 I think I mentioned earlier that because jury trials
8 are so limited for us, that we are doing trailing trial dockets.

9 So, like I said, I've got a couple of criminal cases,
10 you know, one of which is a plea set for April 26th.

11 So, that's really not a realistic date for you all.
12 But, May 31st will be.

13 There's a good likelihood that you'll go on May 31st,
14 and I'm going to set your trial for that date.

15 And I guess I can -- let's see, Teresa, you are here.

16 So, I'm going to give you May 31st as your trial date;
17 I will make May the 17th as your final pretrial conference date,
18 and I'm going to schedule May the 3rd as your motion in limine
19 due date and the date that your final pretrial order will be
20 due.

21 So those are the three dates I'm going to give you
22 now: May 3rd for the motions in limine, final pretrial order;
23 May 17th for the final pretrial conference, and May 31st for
24 trial.

25 MS. HARDY: So, will May 31 be a fixed date, your

1 Honor?

2 THE COURT: Yes.

3 THE CASE MANAGER: Judge?

4 THE COURT: Yes.

5 THE CASE MANAGER: Judge, can we make May 17th at 10
6 a.m. the final pretrial conference date?

7 THE COURT: Yes. Let's make it at 10 o'clock.

8 THE CASE MANAGER: Okay.

9 THE COURT: And I'm sure I will have the summary
10 judgment motion resolved by May 3rd.

11 THE CASE MANAGER: Do you want to give them a date
12 right now, judge?

13 THE COURT: You mean for argument?

14 THE CASE MANAGER: Yes.

15 THE COURT: You know, I want to look at the motion
16 first --

17 THE CASE MANAGER: Okay.

18 THE COURT: -- and see if I need argument, because I
19 may not.

20 Okay. Anything else?

21 MS. LAUGHBAUM: Not from plaintiffs, your Honor.

22 THE COURT: Okay.

23 MS. HARDY: Not from defendant either.

24 THE COURT: Okay. All right. Good enough.

25 Those are your court dates, and if I need to hear

1 argument on the summary judgment motion, I'll let you know.

2 MS. HARDY: Okay.

3 THE COURT: Okay.

4 MS. LAUGHBAUM: Thank you, your Honor.

5 THE COURT: We will be in recess.

6 (At 11:11 a.m. proceedings concluded)

7 C E R T I F I C A T E

8 I, Merilyn J. Jones, Official Court Reporter of the
9 United States District Court, Eastern District of Michigan,
10 appointed pursuant to the provisions of Title 28, United States
11 Code, Section 753, do hereby certify that the foregoing pages
12 1-8, inclusive, comprise a full, true and correct transcript
13 taken in the matter of DeAnna Johnson versus Ford Motor Company,
14 19-cv-10167 on Tuesday, March 22, 2022.

15
16
17 /s/Merilyn J. Jones

18 Merilyn J. Jones, CSR 0935, RPR
19 Federal Official Reporter
20 231 W. Lafayette Boulevard
21 Detroit, Michigan 48226

22 Date: May 1, 2022
23
24
25